

477 Madison Avenue | 6th Floor | New York, NY 10022
Tel 800-616-4000 | Fax 561-447-8831
www.shavitzlaw.com

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Via ECF and Facsimile (914) 390-4179

Hon. Nelson S. Román
United States District Court
Southern District Of New York
300 Quarropas Street
White Plains, New York 10601

Re: **Ruff v. Montreign Operating Company, LLC d/b/a Resorts World
Catskills, No. 7:22-cv-10373-NSR**

Dear Judge Román:

We represent Plaintiff Samantha Ruff and the Opt-In Plaintiffs who have joined the case (collectively, “Plaintiffs”). We write jointly with Defendant Montreign Operating Company, LLC d/b/a Resorts World Catskills to request a stay of this matter pending mediation with mediator Giulio Zanolta, Esq. The parties will complete the mediation by April 9th and request a stay of the case until April 15th.

In considering a request for a stay “where the parties have expressed a clear desire to pursue a resolution, the Court considers ‘(1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.’” *L.N.K. Int’l, Inc. v. Cont’l Cas. Co.*, 2023 U.S. Dist. LEXIS 49660, at *2 (E.D.N.Y. Mar. 23, 2023) (quoting *Catskill Mountains Chapter of Trout Unlimited, Inc. v. Env’tl. Protection Agency*, 630 F. Supp. 2d 295, 304 (S.D.N.Y. 2009)). Courts consider these factors in light of “Rule 1’s mandate to construe the Rules to ensure a ‘just, speedy and inexpensive’ determination of cases.” *L.N.K. Int’l, Inc.*, 2023 U.S. Dist. LEXIS 49660, at *3.

Plaintiffs and Defendant have agreed to mediate these claims with a highly-experienced wage and hour mediator. The parties’ interests are aligned in working towards an amicable resolution and pausing this litigation for a short time to focus on settlement efforts. Moreover, “[t]he very process of negotiating a potential resolution itself is likely to provide the parties valuable information that could help eliminate or narrow claims or defenses even if the mediation is unsuccessful.” *L.N.K. Int’l, Inc.*, 2023 U.S. Dist. LEXIS 49660, at *3.

A stay is also in the interests of the courts and the public. Efforts to end this litigation amicably and without a trial or further motion practice will conserve judicial resources. *L.N.K. Int’l, Inc.*, 2023 U.S. Dist. LEXIS 49660, at *3; *Fields-D’Arpino v. Restaurant Assocs., Inc.*, 39 F. Supp. 2d 412, 417 (S.D.N.Y. 1999) (“With the heavy caseloads shouldered today by federal and

MEMO ENDORSED

State courts alike, mediation provides a vital alternative to litigation. The benefits of mediation include its cost-effectiveness, speed and adaptability.”).

The parties are seeking a limited stay for two and one-half months so this matter will not be delayed for long while the parties work to resolve the claims at mediation.

For these reasons, the parties respectfully request that this case be stayed until April 15th to allow the parties to mediate this matter.

We thank the Court for its consideration of this request.

Respectfully submitted,

s/Michael Palitz

Michael Palitz

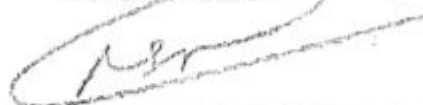
cc: All Counsel via ECF

The Court GRANTS the parties' request for a stay until April 15, 2024. The Court further directs the parties to provide the Court with a brief status report on April 15, 2024.

This memorandum endorsement moots Plaintiff's motion for leave to file an amended complaint. (See ECF No. 61.) The Clerk of Court is kindly directed to terminate the motions at ECF Nos. 60 and 61.

**Dated: January 30, 2024
White Plains, NY**

SO ORDERED:



NELSON S. ROMÁN
United States District Judge